

12-10-01

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Please type a plus sign (+) inside this box PTO/SB/05 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.59(b))

Attorney Docket No.	2102393-991140
First Inventor	POLYNKIN, Pavel G.
Title	OPTICAL SPECTRAL POWER MONITORS EMPLOYING FREQUENCY - DIVISION - MULTIPLEXING DETECTION SCHEMES
Express Mail Label No.	EL 904947267 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages: 36]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to sequence listing, a table or a computer program listing appendix
  - Background of the Invention
  - Brief Description of the Drawings(if filed)
  - Detailed description
  - Claim(s)
  - Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 10 ]

5. Oath or Declaration and Power of Attorney [ Total Pages 04 ]

- a.  Newly executed (original)  
Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- b.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76.

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label			or <input type="checkbox"/> Correspondence address below		
Name	26379				
Address	Gray Cary Ware & Freidenrich PATENT TRADEMARK OFFICE 1755 Embarcadero Road				
City	Palo Alto	State	CA	Zip Code	94303
Country	US	Telephone	650/833-2052	Fax	650/320-7401

NAME (Print/Type)	David L. Alberti	Registration No. (Attorney/Agent)	43,465
Signature			Date
			December 5, 2001

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$ 731.00)

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	December 5, 2001
First Named Inventor	Polynkin, Pavel G.
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	2102393-991140

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 07-1896  
Deposit Account Name Gray Cary Ware & Freidenrich LLP

Charge Any additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  **Payment Enclosed:** # 495700

Check in the amount of \$ 731.00

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
101	740	201	370 Utility filing fee 370.00
106	330	206	165 Design filing fee
107	510	207	255 Plant filing fee
108	740	208	370 Reissue filing fee
114	160	214	80 Provisional filing fee
<b>SUBTOTAL (1)</b>		<b>(\$ 370.00)</b>	

### 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	51	-20** = 31	X 9	= 279.00
Independent Claims	4	-3** = 1	X 42	= 42.00
Multiple Dependent		X		= 321.00

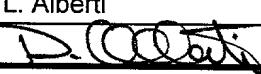
Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
103	18	203 9 Claims in excess of 20 31
102	84	202 42 Independent claims in excess of 3 0
104	280	204 140 Multiple dependent claim, if not paid 0
109	80	209 42 ** Reissue independent claims over original patent 370
110	18	210 9 ** Reissue claims in excess of 20 and over original patent 321.00
<b>SUBTOTAL (2)</b>		<b>(\$ 321.00)</b>

\*\*or number previously paid, if greater. For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for <i>ex parte</i> reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	400	216 200 Extension for reply within second month	
117	920	217 460 Extension for reply within third month	
118	1,440	218 720 Extension for reply within fourth month	
128	1,960	228 980 Extension for reply within fifth month	
119	320	219 160 Notice of Appeal	
120	320	220 160 Filing a brief in support of an appeal	
121	280	221 140 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive – unavoidable	
141	1,280	241 640 Petition to revive – unintentional	
142	1,280	242 640 Utility issue fee (or reissue)	
143	460	243 230 Design issue fee	
144	620	244 310 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties) 40.00	
146	740	246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279 370 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify)			

Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$ 40.00)

SUBMITTED BY					
Name (Print/Type) David L. Alberti		Registration No. (Attorney/Agent) 43,465	Telephone 650-833-2052		
Signature 			Date Dec. 5, 2001		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Pavel G. Polynkin
	Title	OPTICAL SPECTRAL POWER MONITORS EMPLOYING FREQUENCY-DIVISION- MULTIPLEXING DETECTION SCHEMES
	Atty Docket Number	2102393-991140

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11-28-01

Date



Signature

Pavel G. Polynkin and Jeffrey P. Wilde

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

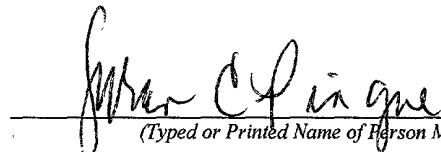
**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Docket No.  
2102393-991140

Applicant: Capella Photonics, Inc.

Serial No. Not Yet Assigned	Filing Date Herewith	Examiner N/A	Group Art Unit N/A
Invention:			

**OPTICAL SPECTRAL POWER MONITORS EMPLOYING FREQUENCY – DIVISION – MULTIPLEXING DETECTION SCHEMES**I hereby certify that this UTILITY PATENT APPLICATION*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, P.O. Box 2327, Arlington, Virginia 22202, Box Patent Application on December 5, 2001.

  
Susan C. Pingue  
*(Typed or Printed Name of Person Mailing Correspondence)*SUSAN C. PINGUE*(Signature of Person Mailing Correspondence)*EL 904947267 US*("Express Mail" Mailing Label Number)*